City of Fremont Initial Study

1. **Project**: Mission-Stevenson (City of Fremont File Number: PLN2015-00109)

2. **Lead Agency name and address:**
City of Fremont Community Development Department – Planning Division
39550 Liberty Street, 1st Floor
Fremont, CA 94538

3. **Lead Agency contact person:**
Wayland Li, Associate Planner
Phone: (510) 494-4453
E-mail: wli@fremont.gov

4. **Project location:** 39393 Mission Boulevard (APN: 507-0455-001-03) and 39439 Mission Boulevard (APN: 507-04555-002), Fremont, CA (see *Figure 1: Vicinity Map* and *Figure 2: Site Aerial*)

5. **Project Sponsor's name and address:**
The True Life Companies
Attn: Scott Menard
12647 Alcosta Boulevard, Suite 470
San Ramon, CA 94583
Phone: (925) 847-4317
E-mail: smenard@thetruelifecompanies.com

6. **General Plan Land Use Designation:** Medium Density Residential (14.6 to 29.9 units per net acre)

7. **Current Zoning:** R-3-27 Multifamily Residence District

8. **Description of project:**

The proposed project includes a Tentative Tract Map (No. 8229), Design Review, Private Street, and Preliminary Grading Plan to facilitate development of 77 multi-family residential dwelling units, consisting of townhome-style units and stacked flats, on an approximately 3.26-gross-acre project site, consisting of two parcels: 39393 Mission Boulevard (APN: 507-0455-001-03) and 39439 Mission Boulevard (APN: 507-0455-002). The project site is located on the northwest corner of the intersection of Mission Boulevard and Stevenson Boulevard (see Figure 1: Vicinity Map). Approximately 0.17 acres of the project site, adjacent to Mission Boulevard, is an existing Caltrans right-of-way. The Caltrans right-of-way would be vacated, and designated as a public service easement as part of the project.

The project site has historically been used for agricultural and residential purposes, but is currently vacant. The majority of the site is unpaved and covered with non-native grasses, with the exception of a small patch of asphalt, and two concrete foundations for residential structures that were previously demolished. Two water wells and 30 trees, consisting of a variety of species, including Mexican fan palm (*Washingtonia robusta*), lollypop tree (*Myoporum /aetum*), avocado (*Persea americana*) plum trees (*prunus sp*.), coast live oak (*Quercus agrifolia*), bay laurel (*Umbellularia californica*) and Monterey pine (*Pinus radiata*), also currently exist on the project site. The site is primarily flat, with spot elevations ranging from 67.5 feet to 70 feet.

The General Plan Land Use Designation of the site is Medium Density Residential (14.6 to 29.9 units per net acre), and the Zoning Designation is R-3-27 Multifamily Residence District (25-27 units per net acre).

The proposed project would have a residential density of approximately 25 units per net acre, which would be consistent with the permitted density ranges in the General Plan and the Zoning Ordinance.

The proposed project would include the construction of 14 residential buildings containing a total of 77 dwelling units. Each of the proposed buildings would be three stories in height, would include between four and seven units, and would consist of a mix of townhome-style units and stacked flats. Each unit would have access to a private two-car garage. An internal network of private streets and pedestrian pathways would provide access to each of the residential buildings. The proposed site plan also includes common open space, landscaping, and stormwater treatment areas. 39 uncovered guest parking spaces would be located along the western edge of the project site, near an existing railroad line for the Union Pacific Railroad (UPRR). Vehicular access on to the site would be provided through a driveway on Stevenson Boulevard and a driveway on Mission Boulevard. Both driveway entrances would be restricted to only allow right-in, and right-out turning movements. The proposed project would include frontage improvements, including new sidewalk, curb, gutter, street tree improvements, and undergrounding of existing overhead utilities. The preliminary grading plan estimates that approximately 2,300 cubic yards of cut, and 8,300 cubic yards of fill would be needed to create a flat building surface and facilitate effective on-site drainage of stormwater. The project would necessitate the removal of 26 trees, 24 of which are of a size and species subject to the tree removal mitigation requirements of the City of Fremont Tree Preservation Ordinance. The removal of protected trees is subject to requirements involving the planting of replacement trees or the payment of in-lieu fees to mitigate the removal of trees that cannot be replaced on-site due to land area constraints, in accordance with the mitigation requirements of the City's Tree Preservation Ordinance.

9. Surrounding land uses and setting:

The property to the north of the project site is currently being developed with a 33-unit residential townhouse project. A railroad line for the Union Pacific Railroad (UPRR) borders the project site to the west, and separates the site from the campus for the California School for the Deaf. A neighborhood of single-family homes is located east of the project site, on the other side of Mission Boulevard. Office buildings and a citywide park (Central Park) are located south of the project site, on the other side of Stevenson Boulevard.

10. Congestion Management Program - Land Use Analysis: The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

☐	YES	☒	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
☐	YES	☒	NO	A Notice of Preparation is being prepared for this project.
☐	YES	☒	NO	An Environmental Impact Report is being prepared.

11. Other public agencies requiring approval: Alameda County Water District, Caltrans, Union Sanitary District

12. Other Previous Environmental Review: Fremont General Plan Update EIR (SCH#2010082060)

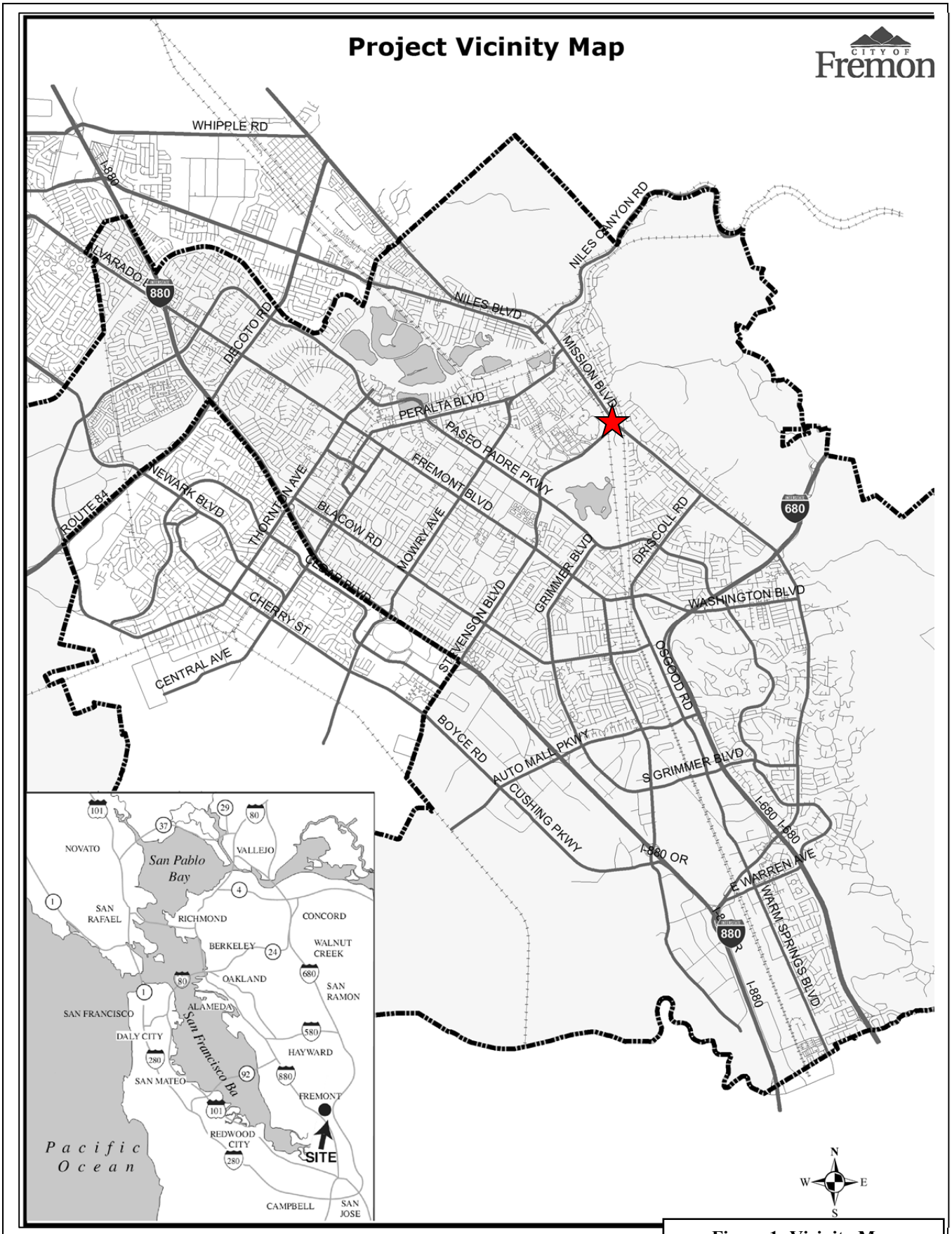

Figure 1: Vicinity Map

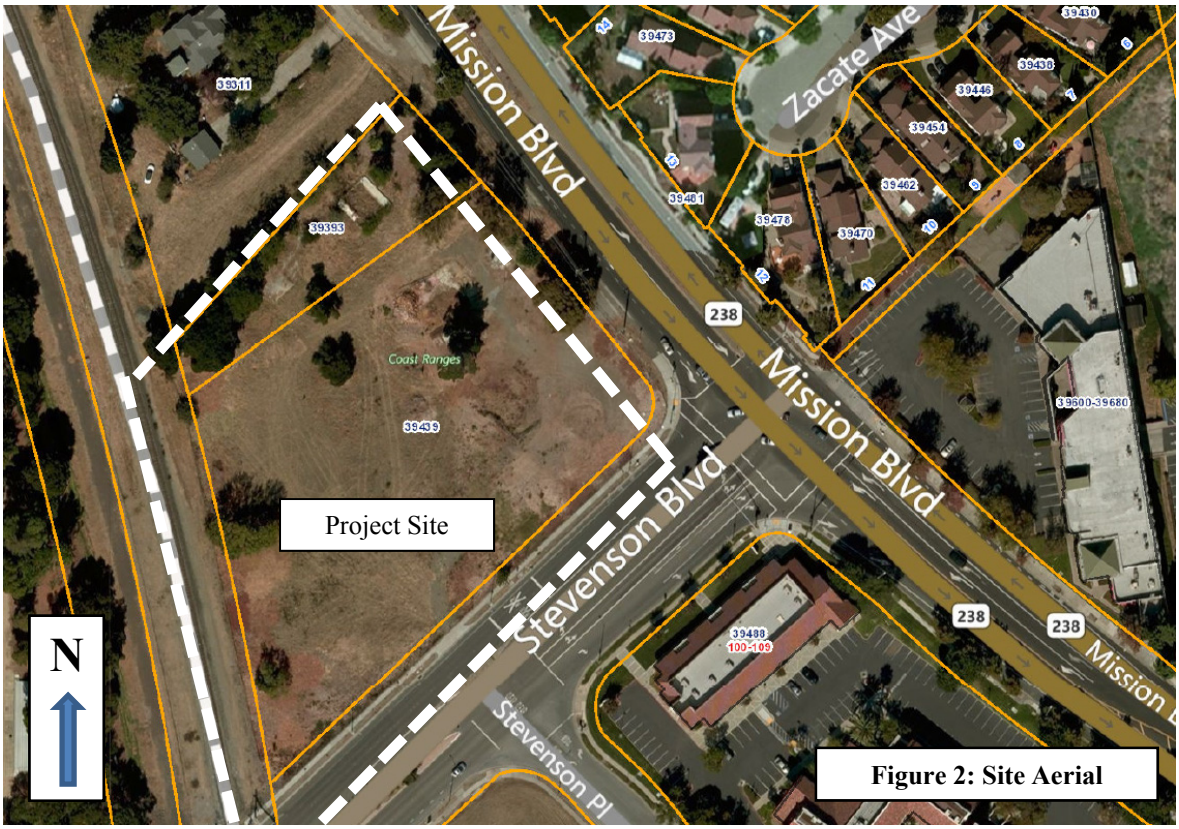

Figure 2: Site Aerial

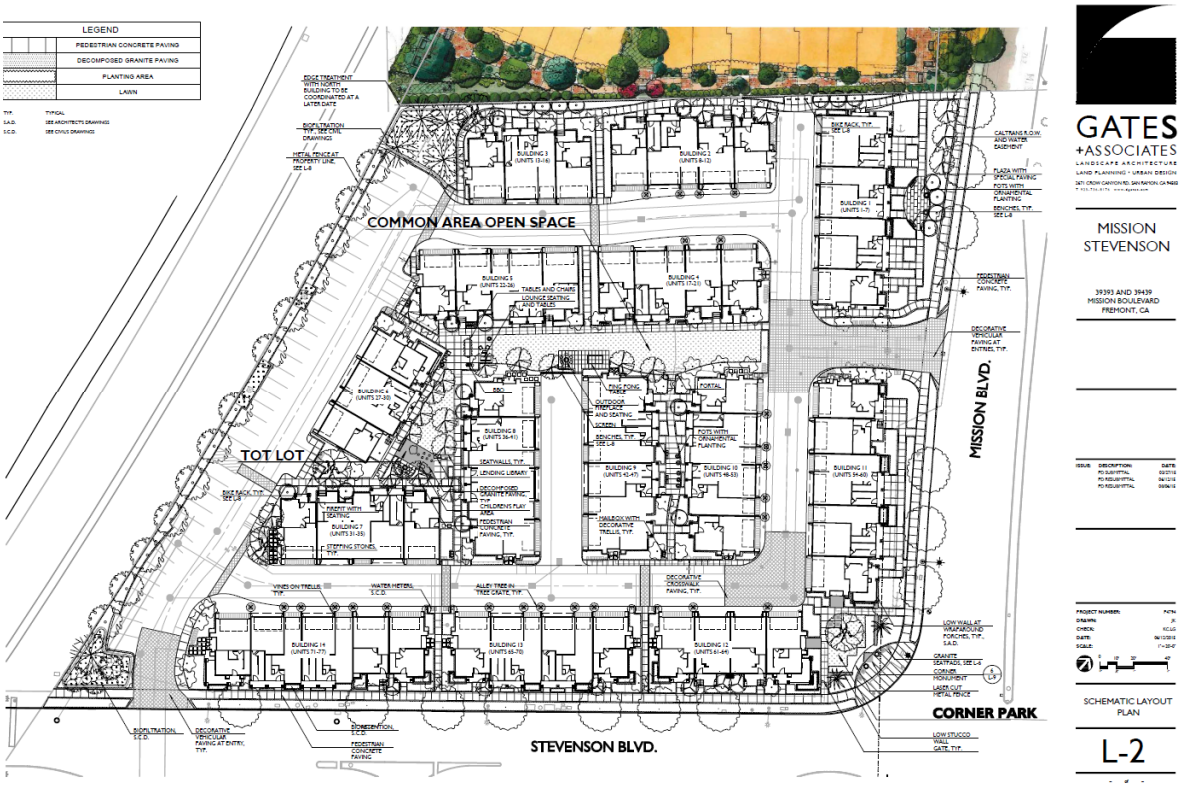

Figure 3: Proposed Site Plan

STEVENSON BOULEVARD ELEVATION

MISSION BOULEVARD ELEVATION

Figure 4: Proposed Elevations

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this Project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M".

	Aesthetics		Agriculture and Forest Resources	**M**	Air Quality
M	Biological Resources	**M**	Cultural Resources		Geology / Soils
M	Hazards & Hazardous Material		Hydrology / Water Quality		Land Use / Planning
	Greenhouse Gas Emissions		Mineral Resources	**M**	Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic		Utilities / Service Systems	**M**	Mandatory Findings of Significance

DETERMINATION BY THE CITY OF FREMONT:

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: 8/24/15

Printed Name: Wayland Li For: City of Fremont

Principal Planner Review: _____

I. AESTHETICS –

Environmental Setting

The City of Fremont General Plan Community Character Element classifies the segments of Mission Boulevard and Stevenson Boulevard in front of the proposed project site as Landscape Corridors. Landscape Corridors are described as streets that carry traffic along attractive, well-landscaped parkways or avenues with limited ingress and egress. Currently, no trees exist along the frontage of Stevenson Boulevard. Several trees exist near Mission Boulevard, but the size, condition, and spacing of these trees do not contribute to the perception of a landscape corridor.

The City of Fremont General Plan classifies the segment of Mission Boulevard in front of the proposed project site as a Scenic Route. This segment of Mission Boulevard has existing views of the East Bay Hills to the east.

The project site is currently vacant, covered with non-native grasses, and is surrounded by a chain link fence. 30 trees currently exist on the project site. The project would necessitate the removal of 26 trees, 24 of which are of a size and species subject to the tree removal mitigation requirements of the City of Fremont Tree Preservation Ordinance.

Regulatory Framework

Local regulations that pertain to the proposed project related to aesthetics include:

- City of Fremont General Plan Community Character Chapter (adopted December 2011)
- City of Fremont General Plan Community Plans Chapter (adopted December 2011)
- City of Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012)

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect on a scenic vista?			X		1, 8, 11
b	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 8, 11
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		1, 8, 11
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 8, 11

Discussion/Conclusion/Mitigation

a-b) Would the project have a substantial adverse effect on a scenic vista? b) Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The segments of Mission Boulevard and Stevenson Boulevard in front of the project site are identified as Landscape Corridors in the General Plan. The proposed project would contribute trees and landscaping along the frontages of Stevenson Boulevard and Mission Boulevard, which

would create an attractive, well landscaped street scene, consistent with the General Plan's description of a Landscape Corridor.

Beyond the site to the east are views of the East Bay Hills along the eastern edge of the City of Fremont. As described in the General Plan, the significant scenic resources of Fremont include the backdrop to the east of the East Bay Hills rising up above the City. The proposed project would include three story buildings, which would partially block some existing views of the East Bay Hills in the area. However, large portions of the East Bay Hills would still be visible on and near the project site after construction of the project. The City of Fremont General Plan classifies the segment of Mission Boulevard in front of the proposed project site as a Scenic Route. This segment of Mission Boulevard has existing views of the East Bay Hills to the east. The views of the East Bay Hills from Mission Boulevard would not be obstructed by the project because the East Bay Hills are located east of Mission Boulevard, while the project site is located west of Mission Boulevard.

The site is currently vacant and there are no historic buildings on the site.

For these reasons, the proposed project would not substantially damage scenic resources.

Potential Impact: Less than Significant Impact
Mitigation: None Required

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

The project site is currently vacant and is primarily covered by tall non-native grasses. The proposed project would enhance the visual character of the site through high quality buildings, and landscaping. Furthermore, the project would include the planting of street trees, which would have a positive visual impact when viewed from adjacent properties and public roadways and would enhance the existing visual character of the site as a landscape corridor. For these reasons, the proposed project would not substantially degrade the existing character or quality of the site or the surrounding area.

Potential Impact: Less than Significant
Mitigation: None Required

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The subject property currently contains no buildings. Therefore, construction of the proposed project would result in new sources of light and glare. However, the City's Zoning Ordinance requires that all exterior light sources be designed so as not to create significant glare on adjacent properties through the use of concealed source and/or downcast light fixtures. Compliance with the exterior lighting requirements of the Zoning Ordinance would result in the project having no significant lighting or glare impacts on adjacent properties.

Potential Impact: Less than Significant
Mitigation: None Required

II. AGRICULTURE AND FOREST RESOURCES

Environmental Setting

The project site was historically used for agricultural purposes, but currently has no association with agricultural uses or farmland. Adjacent properties are also currently not associated with agricultural uses or farmland. The project site does not include forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526). The property is zoned for residential uses and is located in a developed area of the City with existing residential development across Mission Boulevard and office development across Stevenson Boulevard

Regulatory Framework

State and local regulations that pertain to the proposed project related to agriculture and forest resources include:

- City of Fremont General Plan Conservation Chapter
- California Department of Conservation, Alameda County Farmland Map-Access via URL: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/ala12.pdf

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 20
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	N/A

Discussion/Conclusion/Mitigation

a) Would the proposed project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

According to the California Department of Conservation's 2012 Alameda County Farmland Map, the site is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

b-e) Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract? Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? Would the proposed project result in the loss of forest land or conversion of forest land to non-forest use? Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Neither the proposed project area nor the adjacent lots include land with agricultural resources, lands that are zoned for agricultural uses, or lands under Williamson Act contract. The proposed project would not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no agricultural resource or forest resource impacts would result from the development of the project.

Potential Impact: No Impact
Mitigation: None Required

III. AIR QUALITY

Environmental Setting

The project site is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin. Both the Federal Clean Air Act and the California Clean Air Act require the California Air Resources Board (CARB), based on air quality monitoring data, to designate portions of the state where the federal or state ambient air quality standards are not met as "nonattainment areas." Because of the differences between the national and state standards, the designation of nonattainment areas is different under the federal and state legislation. The Bay Area is designated as an "attainment area" for carbon monoxide, nitrogen dioxide, and sulfur dioxide. The region is classified as a "nonattainment area" for both the federal and state ozone standards, although a request for reclassification to "attainment" of the federal standard is currently being considered by the U.S. EPA. The area does not meet the state standards for particulate matter; however, it does meet the federal standards.

The U.S. Environmental Protection Agency (EPA) and CARB have established ambient air quality standards for what are commonly referred to as "criteria pollutants," because they set the criteria for attainment of good air quality. Criteria pollutants include carbon monoxide, ozone, nitrogen dioxide, sulfur dioxide, and particulate matter (PM). Ozone and PM10 are considered regional pollutants, because their concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Carbon monoxide is considered a local pollutant, because elevated concentrations are usually only found near the source (e.g., congested intersections).

The BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses (BAAQMD, 2012). Residential areas, day care centers, hospitals, and schools are some examples of sensitive receptors. The nearest sensitive receptors to the proposed project site would be residents at the multi-family residential development currently under construction north of the project

site. The California School for the Deaf campus would also be located west of the project site, across from an existing Union Pacific Railroad line. A neighborhood of single-family homes is located east of the project site, on the other side of Mission Boulevard.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to air quality include:

- City of Fremont General Plan Conservation Chapter (Air Quality)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest of such monitoring station is #1014 at 40733 Chapel Way in Fremont. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NOx), and particulate matter (PM_{10} and $PM_{2.5}$). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs per day for ozone precursors. For TACs, the City of Fremont has established acceptable thresholds for new sources of increased risk of 10 chances in a million as defined by BAAQMD for their individual TAC emissions. However, for sensitive receptors within developed in-fill areas of the City (such as the residential uses proposed by the project), the City uses the cumulative exposure threshold of 100 chances per million.[1]
- Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with or obstruct implementation of any applicable air quality plan?			X		1, 21, 22, H
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		1, 21, 22, H
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X		1, 21, 22, H
d.	Expose sensitive receptors to substantial pollutant concentrations?		X			1, 3, 6, 21, 22, H
e.	Create objectionable odors affecting a substantial number of people?			X		1, 3, 6

Discussion/Conclusion/Mitigation

a-d) Would the project conflict with or obstruct implementation of any applicable air quality plan? Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable

[1] City of Fremont. *Fremont General Plan Update Final EIR.* September 2011.

federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Would the project expose sensitive receptors to substantial pollutant concentrations?

In formulating its compliance strategies, Bay Area Air Quality Management District (BAAQMD) relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with a general plan in a manner consistent with that general plan, then it is also considered to be consistent with BAAQMD's *Clean Air Plan*. The proposed project involves the development of 77 multi-family units (townhome-style units and stacked flats) at a total project density of approximately 25 dwelling units per net acre, which is in conformance with the site's General Plan Land Use designation of Medium Density Residential (14.6 to 29.9 units per net acre). The 2011 General Plan EIR concluded that development projects consistent with the General Plan would not cause or contribute to a violation of the ambient air quality standard for carbon monoxide, and the impact would be considered less than significant.

The California Air Resources Board (CARB) has identified that people in the following categories are most likely to be affected by air pollution: children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. The closest off-site sensitive receptors to the project site are future residences currently under construction north of the site, and the California School for the Deaf campus located east of the project site, across a Union Pacific Railroad line. It is assumed that the future resident population for the proposed project would include sensitive receptors.

The City uses screening criteria developed by the BAAQMD to conservatively determine whether a proposed project could result in potentially significant air quality impacts. Projects that exceed the screening criteria could potentially exceed the thresholds of significance, potentially resulting in significant adverse air quality impacts. The following table shows screening criteria for new condo and townhouse developments for operational criteria pollutants, operational GHGs, and construction related emissions.

Table: Criteria Air Pollutants and Precursors and GHG Screening Level Sizes

Land Use	Operational Criteria Pollutant Screening Size	Operational GHG Screening Size	Construction Related Screening Size
Condo/townhouse, general	451 du (ROG)	78 du	240 du (ROG)
>>Proposed Project	*77 du*	*77 du*	*77 du*

As shown in the preceding table, the proposed project would fall below the screening level sizes for Operational Criteria Pollutants, Operational Greenhouse Gas Emissions (GHGs), and Construction-Related Criteria Pollutants, per Table 3-1, *Criteria Air Pollutants and Precursors and GHG Screening Level Sizes*, in BAAQMD's May 2011 CEQA Air Quality Guidelines. Based on the size of the proposed project, it would not result in operational or construction related emissions that would impact local or regional air quality standards. To verify potential GHG emissions, additional analysis was conducted using CalEEMOD.2013.2.2. The project's estimated annual operational GHG emissions (CO_2e MT/year) are well below the 1,100 MT CO_2e/year analyzed by the BAAQMD. Estimated emissions for ozone precursor pollutants are also below the thresholds analyzed by the BAAQMD.

TACs

For Toxic Air Contaminants (TACs), the City of Fremont has established acceptable thresholds for new sources and receptors of increased risk of 10 chances in one million as defined by BAAQMD for their individual TAC emissions. However, for sensitive receptors within developed in-fill areas, the City uses the cumulative exposure threshold of 100 chances per million (Fremont General Plan Update Final EIR. September 2011). The project is considered in-fill in an already developed area of the City and therefore the cumulative exposure threshold of 100 chances per million would apply.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three quarters of the cancer risk from TACs (based on the Bay Area average). Diesel exhaust could be generated by adjacent roadway traffic and the adjacent Union Pacific Railroad line. There are no stationary sources of TAC pollutants, such as emergency generators or gas stations, within 1,000 feet of the project.

The 2011 General Plan EIR assessed community risk impacts from TACs associated with railroad and roadway traffic. Impacts associated with railroad and roadway traffic are both predicted to be significantly less than the threshold of 100 chances per million for the project. The General Plan EIR predicts an incremental cancer risk of 10 chances per million people within 60 feet from Mission Boulevard. The 2011 General Plan EIR also estimated cancer risks associated with railroad lines in the City (not including the Centerville Rail line) at 10 in one million, up to 300 feet from a rail line.

General Plan implementation measures to minimize TAC exposure within 1,000 feet of freeway or major TAC sources encourage the use of risk reduction measures such as landscape buffering and building air infiltration measures to reduce exposure to TACs. As a condition of approval, the project will be required to include the planting of trees along Mission Boulevard and the Union Pacific Railroad line, and incorporate building air filtration systems to further reduce exposure to TACs, consistent with measures discussed in the 2011 General Plan and EIR.

Operation of this residential project is not considered a source of TAC emissions and, as a result, the project operation would not cause emissions that expose sensitive receptors to unhealthy air pollutant levels.

GHGs

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. The BAAQMD May 2011 CEQA Guidelines included GHG emissions-based significance thresholds. These thresholds include a "bright-line" emissions level of 1,100 metric tons per year for land-use type projects and 10,000 metric tons per year for stationary sources. Land use projects with emissions above the 1,100 metric ton per year threshold would then be subject to a GHG efficiency threshold of 4.6 metric tons per year per capita. Projects with emissions above the thresholds would be considered to have an impact, which, cumulatively, would be significant.

The BAAQMD screening criteria for GHG emissions related to residential development is 78 units (at which point GHG emissions could exceed the 1,100 MT of CO2e per year threshold). The project proposes 77 dwelling units, which is below the GHG screening criteria. Therefore, the project would not generate GHG emissions that would have a significant impact on the environment and would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. Impacts would be less than significant. To verify potential GHG emissions, additional analysis was conducted using CalEEMOD.2013.2.2. The project's estimated annual operational GHG emissions (CO_2e MT/year) are well below the 1,100 MT

CO_2e/year analyzed by the BAAQMD. Estimated emissions for ozone precursor pollutants are also below the thresholds analyzed by the BAAQMD.

Construction

Though the proposed project would fall below the Construction Criteria Pollutant Screening Sizes, per Table 3-1 Criteria Air Pollutants and Precursors and GHG Screening Level Sizes in BAAQMD's May 2011 CEQA Air Quality Guidelines, the proposed Project would include construction activity and this activity would generate dust and equipment exhaust on a temporary basis. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are employed to reduce these emissions. Mitigation Measure Air-1 would implement BAAQMD best management practices for temporary construction emissions control.

Impact Air-1: The project would generate a temporary increase in emissions from truck traffic and diesel-powered heavy equipment near sensitive receptors. The temporary effects of grading activities could cause airborne dust during construction if not managed through conventional dust control methods. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: The BAAQMD CEQA Air Quality Guidelines consider short-term construction impacts from construction pollutants (dust and emissions) less than significant if best management practices are employed to reduce these emissions. Implementation of Mitigation Measure Air-1, below, would reduce impacts associated with particulate matter (fugitive dust emissions) from project construction activities to a less-than-significant level:

MM Air-1: Temporary Construction Emissions. Prior to the issuance of a grading permit, the following best management practices shall be included in a dust control plan to limit fugitive dust emissions and noted on the grading and construction plans along with the contact information for a designated crew member responsible for the on-site implementation of the dust control plan:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

8. Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

e) Would the project create objectionable odors affecting a substantial number of people?

As a residential land use, the project would not create objectionable odors, once construction is completed; however, the proposed project would generate odor from localized emissions of diesel exhaust during grading and construction activities due to equipment and truck operations. These odors may be noticeable from time to time by nearby receptors; however, the odors would be temporary and would not affect a substantial number of people. Mitigation Measures Air-1 would further reduce potential impacts through reduced idling times for equipment. The project includes adequate solid waste storage area and is required to comply with the City's solid waste management regulations, which include policies to reduce potential odor impacts from solid waste. As such, the project would not create objectionable odors affecting a substantial number of people.

Potential Impact: Less than Significant
Mitigation: None required

IV. BIOLOGICAL RESOURCES

Environmental Setting

The following discussion is based in part on a *Biotic Resources Assessment*, which was prepared to evaluate the potential occurrence of special status species and sensitive habitats, dated March 4, 2015, by Zentner and Zentner. Discussion related to trees is based in part on an *Arborist Report*, dated May 2014, prepared for the project by John J. Leone, ISA Certified Arborist #1056A, and the *Biotic Resources Assessment*.

The site is primarily a former agricultural field that has reverted to highly-disturbed grassland. Non-native grasses dominate the site and include: ripgut brome (*Bromus hordeaceus*), wild oats (*Avena fatua*) and hare barley (*Hordeum murinum*). Mustard (*Brassica nigra*), oxalis (*Oxalis stricto*) and dove's foot geranium (*Geranium mol/e*) are also common on the site. Other vegetation includes field mustard (*Brassica rapa*), wild radish (*Raphinus sativa*), nasturtium (*Nasturtium sp.*) and common vetch (*Vicia sativa*). The site contains 30 trees, consisting of a variety of species, including Mexican fan palm (*Washingtonia robusta*), lollypop tree (*Myoporum /aetum*), avocado (*Persea americana*), plum tree (*prunus sp.*), coast live oak (*Quercus agrifolia*), bay laurel (*Umbellularia californica*) and Monterey pine (*Pinus radiata*).

During the field visit for the *Biotic Resources Assessment*, several bird species were observed, including American crow (*Corvus brachyrhynchos*), scrub jay (*Aphelocoma californica*), American robin (*Turdus migratorius*), woodpecker (*Picoides sp.)* and red-shouldered hawk (*Buteo lineatus*). A few other common animal species were observed; convergent ladybug (*Hippodamia convergens*), grasshopper (*Aeo/oplides sp.*) and domesticated cat (*Felis catus*).

There are several other common suburban species that were not observed on-site but which have a high likelihood of inhabiting or passing through the site on a regular basis. Such suburban mammals would include coyote (*Canis latrans*), mule deer (*Odocoi/eus hemionus*), raccoon (*Procyon lotor*), striped skunk

(*Mephitis mephitis*), and black-tailed jackrabbit (*Lepus californicus*). Other predators, such as red-tailed hawk (*Buteo jamaicensis*), prey on the small mammals that are likely to be common in grassy suburban lots, including California vole (*Microtus californicus*) and deer mouse (*Peromyscus maniculatus*). Other birds commonly found in this type of grassland habitat include mourning dove (*Zenaida macroura*), western meadowlark (*Sturnella neglecta*), turkey vulture (*Cathartes aura*), killdeer (*Charadrius vociferous*), and American kestrel (*Falco sparverius*). Common reptiles likely present include western fence lizard (*Sce/operus occidentalis*), southern alligator lizard (*Gerrhonotus multicarinatus*), gopher snake (*Pituophis melanoleucus*), and western rattle snake (*Crotalus viridis*).

According to the California Natural Diversity Database (CNDDB), there are no special status habitats within five miles of the site and none were observed. The only habitat on-site is highly disturbed grassland dominated by non-native grasses and herbs and dotted with assortment of native and exotic trees and shrubs. Twenty-five special status species potentially exist within a 5-mile radius of the site. Three of the 25 species have some limited potential to occur on-site: Congdon's tarplant (*Centromadia parryi ssp. Congdonii*), Cooper's hawk (*Accipiter cooperi*) and western burrowing owl (*Athene cunicularia hypugaea*).

Regulatory Framework

Federal, state, and local regulations that pertain to the proposed project related to biological resources include:

- City of Fremont General Plan, Conservation Chapter
- City of Fremont Tree Preservation Ordinance
- Federal Migratory Bird Treaty Act
- California Department of Fish and Wildlife Code
- U.S. Fish and Wildlife Service laws and requirements
- Alameda County Flood Control District laws and requirements

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 8, A
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 8, A
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 8, A

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			1, 8, A
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 3, 8, A, G
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	1, 8

Discussion/Conclusion/Mitigation

a-d) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The site is primarily a former agricultural field that has reverted to highly-disturbed grassland. According to the California Natural Diversity Database (CNDDB), there are no special status habitats within five miles of the site and none were observed as part of the *Biotic Resources Assessment.* The only habitat on-site is highly disturbed grassland dominated by non-native grasses and herbs and dotted with assortment of native and exotic trees and shrubs. Twenty-five special status species potentially exists within a 5-mile radius of the site. Three of the 25 species have some limited potential to occur on-site: Congdon's tarplant (*Centromadia parryi ssp. Congdonii*), Cooper's hawk (*Accipiter cooperi*) and western burrowing owl (*Athene cunicularia hypugaea*). Construction activities could impact these three special status species.

The following mitigation measures would reduce this impact to less than significant.

Nesting Migratory Birds

Impact Bio-1: Removal of trees, as is proposed with the project, or the undertaking of construction activities around them could result in the abandonment of nesting efforts of migratory and/or otherwise-protected birds. Site development during nesting season (February 1 through August 31) could result in the abandonment of an active nest. The mortality of individuals that may result would constitute a significant adverse impact of the project.

Mitigation Measure: Implementation of Mitigation Measure Bio-1, below, would reduce impacts to any nesting birds to a less-than-significant level. [Less than Significant with Mitigation Incorporated]

MM Bio-1: Pre-Construction Surveys. If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of any project-related activities. If a lapse in the project related work of 15 days or longer occurs during the nesting season, another focused survey shall be required before project work can be reinitiated. If an active nest is found, the permittee (applicant or developer) shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

Special Status Plants
Impact Bio-2: Construction activities could harm special status plants existing on the project site.

Mitigation Measure: Implementation of Mitigation Measure Bio-2, below, would reduce impacts to any special status plant species to a less-than-significant level. [Less than Significant with Mitigation Incorporated]

MM Bio-2: Pre-Construction Surveys. Prior to the commencement of construction activities, a special status plant survey should be carried out during the flowering season of C.parryi, from May to November. Should populations of any of these species be found on-site, the applicant shall prepare a detailed mitigation plan for off-site mitigation, including performance standards and monitoring, to be approved by the City Planning Manager. On-site mitigation would not be appropriate given the density of development proposed on this site and the affinity of the species for relatively undisturbed landscapes.

The developed and ruderal areas of the site where the proposed project will occur do not constitute a movement corridor for native wildlife. Creeks and riparian habitat are absent from the project site. Site development will have little effect on home range and dispersal movements of native wildlife moving through the site, as the site is fenced and provides minimal, if any, suitable habitat. Therefore, this project will result in a less than significant effect on regional wildlife movements.

e-f) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project is required to conform to the City of Fremont's Tree Preservation Ordinance. Adherence to Ordinance requirements would reduce potential impacts to less than significant.

30 trees currently exist on the project site. The project would necessitate the removal of 26 trees, 24 of which are of a size and species subject to the tree removal mitigation requirements of the City of Fremont Tree Preservation Ordinance. The removal of protected trees is subject to requirements involving the planting of replacement trees or the payment of in-lieu fees to mitigate the removal of trees that cannot be replaced on-site due to land area constraints, in accordance with the mitigation requirements of the City's Tree Preservation Ordinance. The proposed project would include the planting of approximately 130+ trees on the project site.

There are no draft or adopted Habitat Conservation Plans for the project area at this time.

Potential Impact: Less than Significant
Mitigation: None Required.

V. CULTURAL RESOURCES

Environmental Setting
The following discussion is based in part on an *Archaeological Literature Review*, dated November 17, 2014, prepared for the project by Holman and Associates.

Prior to the arrival of Europeans in California, the Fremont area was occupied by the Ohlone (also known as Costanoan and as the Muwekma) Indians. The Ohlone were hunters and gatherers, as were many of the California Indian tribes. Generally, there are sites which were historically favored for human habitation and resources procurement, and which are of high archaeological sensitivity. These sites include flat to gently sloping terrain near water sources. Areas of moderate archaeological sensitivity have been characterized by low-lying terrain subject to seasonal flooding, gentle to moderate slopes, intermittent water sources, ridgelines, and the bases of hills. Usually, seasonal or task specific activities took place in such settings. Areas of low archaeological sensitivity include those which are characterized by continuously inundated terrain, steep slopes, or no water. Former village sites are located in Mission San Jose, at Tyson's Lagoon, and near the intersection of Curtner Road and Mission Boulevard.

Three years after California attained statehood in 1850, Alameda County was created and subdivided into six townships, including Washington Township (which encompassed the present-day cities of Fremont, Newark and Union City). By the 1870's, Washington Township supported a large-scale agricultural economy, and several towns: Alvarado, Centreville (later Centerville), Mission San Jose and Washington Corners (later Irvington). The town of Centerville was located in the center of Washington Township, and on the northern part of the old Mission San Jose land grant.

Native American Tribal Resources
No tribal resources have been identified on the project site.

Regulatory Framework
State and local regulations that pertain to the proposed project related to cultural resources include:

- City of Fremont General Plan Land Use Chapter (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012), Section 18.175 Historic Resources

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X	1, 28, 29
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 11, 28, 29, B
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			1, 11, 28, 29, B
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X			1, 11, 28, 29, B

Discussion/Conclusion/Mitigation

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

The proposed project site contains no buildings or structures. No historical resources as defined in §15064.5 have been identified on the project site.

Potential Impact: No Impact
Mitigation: None

b-d) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Would the project disturb any human remains, including those interred outside of formal cemeteries?

The *Archaeological Literature Review* states that the project site has a low to moderate potential for discovering significant prehistoric materials, based upon the lack of discoveries in the immediate vicinity of the parcel. However, during ground disturbing activities, there is potential to discover tribal, archaeological, or paleontological resources. The mitigation measures provided below would ensure the project would avoid or substantially reduce impacts from ground disturbance to tribal, archaeological, or paleontological resources, should any be discovered during excavation activities during the construction of the proposed project.

Potential Impact Cult-1: Construction of the proposed project could result in impacts to buried cultural resources or paleontological resources should they be discovered on site. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Although there is no indication that cultural resources are present on the site or in the immediate vicinity, there is always a possibility that unknown resources could be discovered during project construction. Implementing the following measures would reduce Impact Cult-1 to a less than significant level:

MM Cult-1.1: Discovery of Archaeological Resources. If deposits of prehistoric or historical archaeological materials are discovered during project activities, all work within 50 feet of the discovery shall be redirected. Project personnel shall not collect or move any archaeological materials. A qualified archaeologist shall be contacted to assess the situation and consult with agencies as appropriate, including the City of Fremont. The archaeologist shall make recommendations for the treatment of the discovery. Adverse effects to archaeological deposits shall be avoided by project activities, if feasible. If avoidance is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the National Register of Historic Places and the California Register of Historical Resources (PRC §21084.1; CEQA Guidelines §15064.5(c)(1)), or whether the deposit qualifies as a "unique archaeological resource" under CEQA. If the deposit is neither eligible for the National or California registers nor a unique archaeological resource, avoidance is not necessary. If the deposit is eligible or qualifies as a unique archaeological resource under CEQA, adverse effects on the deposits must be avoided, or such effects must be mitigated. Mitigation can include, but is not necessarily limited to, excavation of the deposit in accordance with a data recovery plan and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and, if appropriate, adding the historic archaeological material and technical report to an archaeological repository. Educational public outreach may also be appropriate. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results of resource evaluation and mitigation efforts. The report shall be submitted to the Northwest Information Center at Sonoma State University.

MM Cult-1.2: Discovery of Human Remains. If human remains are discovered during project activities, the procedures outlined in Section 7050.5 of the California Health and Safety Code shall be implemented. Work within 50 feet of the discovery shall be redirected and the Alameda County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate, including the City of Fremont Planning Division. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

MM Cult-1.3: Discovery of Paleontological Resources. In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 50 foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation

and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

VI. GEOLOGY AND SOILS

The following discussion is based in part on the following documents.

- *Preliminary Geotechnical Investigation,* dated May 13, 2014, prepared for the project by Cornerstone Earth Group
- *Geotechnical Peer Review – Liquefaction Zone,* dated December 5, 2014, prepared for the project by Cotton, Shires & Associates, Inc.

Environmental Setting

As with any land in the San Francisco Bay Area, the project site could be subject to strong shaking during a major seismic event. The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. However, the site is not located with a State-designated Alquist-Priolo Earthquake Fault Zone, and no known surface expression of fault traces is thought to cross the site. The project site is located within a State-designated Liquefaction Hazard Zone. The site is not in an area susceptible to earthquake-induced landslide.

The preliminary grading plan for the proposed project estimates that approximately 2,300 cubic yards of cut, and 8,300 cubic yards of fill would be needed to create a flat building surface and facilitate effective drainage of stormwater.

Regulatory Framework

State and local regulations that pertain to the proposed project related to geology and soils include:

- City of Fremont General Plan Safety Chapter (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- California Building Code (2013)

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	1, 5, 6, C, D, F
	ii) Strong seismic ground shaking?			X		1, 5, 6, C, D, F
	iii) Seismic-related ground failure, including liquefaction?			X		1, 5, 6, C, D, F
	iv) Landslides?			X		1, 5, 6, C,

	ISSUES:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
						D, F
b.	Result in substantial soil erosion or the loss of topsoil?				X	1, 5, 6, 8, C, D, F
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?			X		1, 5, 6, C, D, F
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?			X		1, 5, 6, C, D, F
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	N/A

Discussion/Conclusion/Mitigation

a-e) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving a major seismic event? Would the project result in substantial soil erosion or the loss of topsoil? Would the project be located on a geologic unit or soil that is unstable or would become unstable as a result of the project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?

As with any land in the San Francisco Bay Area, the project site could be subject to strong shaking during a major seismic event. The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. However, the site is not located with a State-designated Alquist-Priolo Earthquake Fault Zone, and no known surface expression of fault traces is thought to cross the site. The project site is located within a State-designated Liquefaction Hazard Zone. The site is not in an area susceptible to earthquake-induced landslide.

A Preliminary Geotechnical Investigation was prepared for the site by Cornerstone Earth Group on May 13, 2014. The liquefaction analysis in the report indicates that there is a potential for liquefaction of localized sand layers during a significant seismic event, but the proposed project should be feasible if building foundations are designed to tolerate total and differential settlement due to static loads and liquefaction-induced settlement. The report also indicates that undocumented fill is likely to exist in former septic and leach field areas on the site. The report recommends that the undocumented fill be over-excavated and re-compacted to address the high variability of undocumented fill. The report concluded that, from a geotechnical viewpoint, the project is feasible if with a design-level geotechnical report that accounts for undocumented fill and the potential for liquefaction-induced settlement.

A peer review of the *Preliminary Geotechnical Investigation* was conducted by the City's peer-reviewer, Cotton, Shires & Associates, on December 5, 2014. The Peer Review concludes that the project geotechnical report and additional submittals by the applicant's geotechnical engineering consultant adequately address the seismic hazards that potentially impact the site and the report

recommendations are generally acceptable for use in the design of the proposed site improvements.

Design level Geotechnical Plan Review and Geotechnical Field Inspection will be performed for the proposed project. Both are standard project requirements for a project such as that proposed and are, therefore, not mitigation measures. Both standard project requirements will be incorporated into the Conditions of Approval for the proposed project. Based on the results of the geotechnical study and subsequent peer review, the proposed project would not create significant impacts related to Geology and Soils.

Standard Project Requirements

1. Geotechnical Plan Review. The Project Geotechnical Consultant shall review all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements, and design parameters for foundations, and retaining walls). The consultant shall verify that their recommendations have been properly incorporated into the construction plans. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the City Engineer prior to issuance of building permits.

2. Geotechnical Field Inspection. The Project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project shall be summarized by the Project Geotechnical Consultant in a letter and submitted to the City Building Official /City Engineer for review prior to final (as-built) project approval.

All grading, foundations, and structures for the proposed project are required to be engineered and designed in conformance with applicable geotechnical and soil stability standards as required by the 2013 California Building Code (CBC). Conformance to the applicable 2013 CBC standards will reduce safety impacts to the structures, their occupants, and the adjacent properties to a less-than-significant level.

Furthermore, an erosion control plan will be required with plans submitted for grading and/or building permits to ensure that the project will not result in substantial soil erosion or loss of topsoil during grading and construction activities. As such, impacts associated with geology and soils will be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

VII. GREENHOUSE GAS EMISSIONS

Environmental Setting

With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), the State of California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a Statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million

people by 2020. It also called for the State's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32's goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

GHG emissions analysis uses carbon dioxide equivalents (CO2e), measured in metric tons, to adjust for the different warming potential of a wide range of greenhouse gases, not just exclusively CO2. The State 2005 GHG emission inventory was 479 million metrics tons of CO2e. CARB projected that under business-as-usual conditions (no reduction effort) GHG emissions would grow to 596.4 million metric tons of CO2e by the year 2020. According to the Scoping Plan, reducing GHG emissions to 1990 levels requires cutting approximately 30 percent from the business-as-usual emission levels projected for 2020, or about 15 percent from 2010 levels. The target amount for the 2020 goal is an emission level of no more than 427 million metric tons of CO2e (the 1990 levels). On a per capita basis, this means reducing current annual emissions of 14 tons of CO2e for every person in California down to about 10 tons per person by 2020. The City of Fremont GHG emission inventory estimate for 2010 was 1.99 million metric tons with a service population of jobs and residents of 304,489.

Regulatory Framework

State and local regulations that pertain to the proposed project related to GHG emissions include:

- City of Fremont General Plan Sustainability and Conservation Chapters
- State Assembly Bill (AB) 32
- California Green Building Code (Mandatory)

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 8, 21, 22, 23, H
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X	1, 3, 8, 21, 22, 23, H

Discussion/Conclusion/Mitigation

a-b) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

The BAAQMD CEQA Air Quality Guidelines contain methodology and thresholds of significance for evaluating the potential impacts of greenhouse gas (GHG) emissions from land use projects. BAAQMD thresholds were developed specifically for the Bay Area after considering the latest GHG inventory and the effects of AB 32 scoping plan measures that would reduce regional emissions. BAAQMD intends to achieve GHG reductions from new land use projects to close the gap between projected regional emissions with AB 32 scoping plan measures

and AB 32 targets. BAAQMD suggests applying GHG efficiency thresholds to projects with emissions of 1,100 metric tons (MT) of CO2e (carbon dioxide equivalency) or greater per year. Projects that have emissions below 1,100 MT of CO2e per year are considered to result in less than significant GHG emissions. Land use projects with emissions above the 1,100 MT per year threshold would then be subject to a GHG efficiency threshold of 4.6 MT per year per capita. Projects with emissions above the threshold would have a cumulatively significant impact.

The BAAQMD screening criteria for GHG emissions related to residential development is 78 units (at which point GHG emissions could exceed the 1,100 MT of CO2e per year threshold). The project proposes 77 dwelling units, which is below the GHG screening criteria. To verify potential GHG emissions, additional analysis was conducted using CalEEMOD.2013.2.2. The project's estimated annual operational GHG emissions (CO_2e MT/year) are well below the 1,100 MT CO_2e/year analyzed by the BAAQMD. Estimated emissions for ozone precursor pollutants are also below the thresholds analyzed by the BAAQMD. Therefore, the project would not generate GHG emissions that would have a significant impact on the environment and would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. Impacts would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required

VIII. HAZARDS AND HAZARDOUS MATERIALS –

This discussion is based in part on the *Phase I Environmental Site Assessment and Preliminary Soil Quality Investigation*, dated May 23, 2014, prepared for the project by Cornerstone Earth Group.

Environmental Setting

The proposed project site is currently vacant, but was previously used for agricultural purposes. To evaluate potential environmental concerns related to the site's former agricultural uses, shallow soil samples were collected by the Cornerstone Earth Group from thirteen locations across the site and analyzed for pesticides and pesticide related metals. The organochlorine pesticides (OSPs) chlordane, dieldrin and 4,4'-DDE were detected at concentrations exceeding their respective residential screening levels (RSLs). The concentrations of 4,4'-DDE and DDT in samples exceeded their respective California hazardous waste limits. Additionally, isolated areas with elevated lead concentrations, and petroleum hydrocarbon concentrations were also identified. The *Phase I Environmental Site Assessment and Preliminary Soil Quality Investigation* recommended removal and off-site disposal of soil with elevated levels of organochlorine pesticides, lead and petroleum hydrocarbons.

In July of 2015, the project applicant began voluntary removal and disposal of affected soil under the regulatory oversight of the California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) under their Voluntary Cleanup Program. Verification sampling and DTSC review and certification is still required to document that the impacted soil has been sufficiently removed from the site.

The DTSC's Voluntary Cleanup Program is offered as a way for developers and agencies to streamline remediation of contaminated properties, rather than having their projects compete for DTSC's limited resources with other low-priority hazardous waste sites. Prior to initiation of the Voluntary Cleanup Program, project proponents had few options for DTSC involvement in cleaning up low-risk sites. DTSC's statutory mandate is to identify, prioritize, manage and cleanup sites where a release of hazardous substances has occurred. For years, the mandate meant that if the site presented grave threat to

public health or the environment, then it was listed on the State Superfund list and the parties responsible conducted the cleanup under an enforcement order, or DTSC used state funds to do so. Because of staff resource limitations, DTSC was unable to provide oversight at sites which posed lesser risk or had lower priority. The Voluntary Cleanup Program allows motivated parties who are able to fund the cleanup -- still subject to DTSC oversight -- to move ahead at their own speed to investigate and remediate their sites. The Voluntary Cleanup Program agreement specifies the estimated DTSC costs, scheduling for the project, and DTSC services to be provided. Because every project must meet the same legal and technical cleanup requirements as do State Superfund sites, and because DTSC staff would still provide oversight, the applicant is assured that the project will be completed in an environmentally sound manner. In the agreement, DTSC retains its authority to take enforcement action if, during the investigation or cleanup, it determines that the site presents a serious health threat, and proper and timely action is not otherwise being taken. The agreement also allows the project applicant to terminate the Voluntary Cleanup Program agreement with 30 days written notice if they are not satisfied that it is meeting their needs. When remediation is complete, DTSC will issue a site certification of completion and a "No Further Action" letter, depending on the project circumstances. This means "The Site" is ready for productive economic re-use.

Two wells have been identified on the site. Both wells will require proper abandonment prior to construction of the project. A former owner of the property indicated that a septic system formerly existed on the site, but no documentation has been found which indicates the location of the septic system, and if the septic system had been removed during past building demolition. If a septic tank is encountered during construction activities, the applicant would be required to obtain a permit for removal and abandonment from the Alameda County Department of Environmental Health.

Regulatory Framework

Hazardous waste generators and hazardous materials users in the City are required to comply with regulations enforced by several federal, state, and county agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

The routine management of hazardous materials in California is administered under the Unified Program. The Fremont Fire Department acts as the Certified Unified Program Agency (CUPA), an administrative agency that coordinates and enforces numerous local, State, Federal hazardous materials management and environmental protection programs for hazardous material users city-wide, including:

- Hazardous Materials Business Plan Program
- Hazardous Waste Generator Program
- Underground Storage Tank Program
- California Accidental Release Program
- Tiered Permitting Program
- Aboveground Storage Tank Program

State and local regulations that pertain to the proposed project related to hazards and hazardous materials include:

- City of Fremont General Plan Land Use and Safety Chapters
- City of Fremont Fire Code
- Department of Toxic and Substances Control (DTSC) Hazardous Waste and Substances Site List

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X			1, 6, 7
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		1, 6, 7, F
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X		1, 3
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 18, F
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	30

Discussion/Conclusion/Mitigation

a-b) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Soil samples previously collected by the Cornerstone Earth Group included concentrations of the organochlorine pesticides (OSPs) chlordane, dieldrin and 4,4'-DDE at concentrations exceeding their respective residential screening levels (RSLs). The concentrations of 4,4'-DDE and DDT in samples exceeded their respective California hazardous waste limits. Additionally, isolated areas with elevated lead concentrations, and petroleum hydrocarbons concentrations were also identified. In July of 2015, the project applicant began voluntary removal and disposal of affected soil under the regulatory oversight of the DTSC as part of their Voluntary Cleanup Program. Verification sampling and DTSC review is still required to document that the impacted soil has been sufficiently removed from the site, and the site is appropriate for the proposed residential development.

Potential Impact Haz-1: Future residents could be exposed to concentrations of chlordane, dieldrin, 4,4'-DDE, lead, and petroleum hydrocarbons in excess of adopted residential screening levels. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Implementation of Mitigation Measure Haz-1, below, would reduce impacts from exposure of future residents to hazardous materials to a less-than-significant level. [Less than Significant with Mitigation Incorporated]

> **MM Haz-1:** Hazardous Materials . Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or Recognized Environmental Conditions (RECs) at the subject property shall be implemented to the satisfaction of the California Department of Toxic Substance Control (DTSC) and Fremont Fire Department, Hazardous Materials Division. Completion of the remediation work and procurement of an appropriate closure document or certification in written form from the DTSC evidencing its determination that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the City of Fremont Community Development Department and Fremont Fire Marshall. Certification may require the applicant or their agent to complete a Preliminary Endangerment Report, a Voluntary Cleanup Agreement or other documentation as determined by DTSC, and receive DTSC concurrence that the site's RECs have been resolved.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The school nearest the proposed project site is the California School for the Deaf, which is located immediately west of the project site. No other schools are located within one-quarter mile of the project site.

Implementation of MM Haz-1 above would ensure that schools within a quarter mile would not be exposed to hazardous materials from the project site. The proposed residential development would not involve the emission or handling of hazardous or acutely hazardous materials, substances, or waste.

Potential Impact: Less than Significant
Mitigation: None Required

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is not listed on the Department of Toxic Substance Control's Hazardous Waste and Substances Site List (Cortese List) and would not create a significant hazard to the public or the environment as a result of such listing. Thus, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

e-f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The project site is not located within an airport land use plan nor are there any public or private airports within City limits. Thus, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

g-h) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The City of Fremont's Disaster Management Operations Plan (DMOP) was developed in compliance with State requirements and also meets the requirements of the Federal Emergency Management Agency, (FEMA) as the City's local hazard mitigation plan. Fremont's DMOP provides policies and procedures for the evacuation, dispersal, or relocation of people from hazardous areas during disasters to less threatened areas. The plan also describes the organization and responsibilities for conducting movement operations. The need for evacuation routes and the appropriate routes will vary for each type of disaster. The proposed project would be located on a previously developed site and would not impair or interfere with the adopted emergency response or emergency evacuation plan.

The proposed project site is not located in a Fire Hazard Area and would not expose people or structures to significant risk involving wildland fires.

Potential Impact: No Impact
Mitigation: None Required

IX. HYDROLOGY AND WATER QUALITY –

Environmental Setting

The project site is a flat, primarily unpaved lot. Currently, there are no stormwater management facilities on the site. The project would include stormwater treatment and bioretention facilities.

Regulatory Framework
Federal, state and local regulations that pertain to the proposed project related to hydrology and water quality include:

- City of Fremont General Plan Conservation Chapter (Water Quality)
- California Regional Water Quality Control Board, San Francisco Bay Region, Alameda Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, Order R2-2003-0021, National Pollution Discharge Elimination System Permit No. CAS00229831(NPDES C.3)
- Federal Clean Water Act 1987

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Violate any water quality standards or waste discharge requirements?				X	1, 6, 8, 14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 6, 8, 14, 15, 16
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X		1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X		1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?			X		1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Discussion/Conclusion/Mitigation

a-c, f) Would the project violate any water quality standards or waste discharge requirements? Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Would the project otherwise substantially degrade water quality?

Because the project would create in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulate the treatment of stormwater runoff on the site. As such, the project would be required to incorporate low impact development (LID) techniques to treat on site stormwater runoff from all on-site impervious surfaces before it is discharged into the public storm drain system.

The project would be designed in compliance with C.3 requirements and construction would be done in conformance with the California State Water Board Construction General Permit and Best Management Practices provided in the CASQA Construction BMP Handbook and, as such, no water quality or groundwater impacts would result.

Potential Impact: Less Than Significant
Mitigation: None Required

d-e) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The proposed project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. Drainage from the project would be directed into bio-retention and landscape-based treatment areas, and ultimately discharge into the public storm drain system. Thus, no impact would result.

Potential Impact: Less Than Significant
Mitigation: None Required

g-j) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Inundation by seiche, tsunami, or mudflow?

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0462G, effective August 3, 2009. According to this FIRM, a portion of the project site is located within a shaded X zone, and a portion of the project site is

located within an unshaded X zone. Both zones are areas outside of the Special Flood Hazard Area. The project site is also not situated in an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir. As such, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

X. LAND USE AND PLANNING

Environmental Setting

The proposed project includes a Tentative Tract Map (No. 8229), Design Review, Private Street, and Preliminary Grading Plan to facilitate development of 77 multi-family dwelling units, at a residential density of approximately 25 dwelling units per net acre. The General Plan Land Use Designation of the site is Medium Density Residential (14.6 to 29.9 units per net acre), and the Zoning Designation is R-3-27 Multifamily Residence District (25-27 units per net acre)

The property to the north of the project site is currently being developed with a 33-unit residential townhouse project. A railroad line for the Union Pacific Railroad (UPRR) borders the project site to the west, and separates the site from the campus for the California School for the Deaf. A neighborhood of single-family homes is located east of the project site, on the other side of Mission Boulevard. Office buildings and a citywide park (Central Park) are located south of the project site, on the other side of Stevenson Boulevard.

Regulatory Framework
State and local regulations that pertain to the proposed project related to land use and planning include:

- City of Fremont General Plan Land Use and Community Character Chapters
- Habitat Conservation Programs, California Department of Fish and Wildlife

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Physically divide an established community?				X	1, 2, 3, 8
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	1, 2, 3, 8
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3, 8

Discussion/Conclusion/Mitigation

a-c) Would the project physically divide an established community? Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal

program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed project would not physically divide an established community. The project would be located adjacent to a residential townhouse development currently under construction. Therefore, it would not introduce an incompatible land use to the area. The density and characteristics of the proposed development are consistent and compatible with surrounding development.

The proposed project, at a density of approximately 25 dwelling units per net acre, would be in conformance with the site's R-3-27 Multifamily Residence District zoning (25-27 units per net acre) and the site's General Plan Land Use designation of Medium Density Residential (14.6 to 29.9 units per net acre).

The project would not conflict with any General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect. Furthermore, there are no habitat conservation or natural community conservation plans adopted for the site. Therefore, no impacts on land use planning would result from the project, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

XI. MINERAL RESOURCES

Environmental Setting

There are six sectors within the City of Fremont designated by the State Mineral and Geology Board as areas with mineral resources. Several are in the East Hills area adjacent to public park lands and regional preserves, while one is west of I-880 in a designated industrial area adjacent to the San Francisco Bay National Wildlife Refuge. Others include the Niles Cone, the aquifer complex that provides much of the area's drinking water, and the former Dumbarton Quarry on the west side of Fremont, covering approximately 91 acres adjacent to Coyote Hills Regional Park on the north and the Dumbarton Bridge on the south. The Project site is not located within or near any of the sectors discussed above.

Regulatory Framework

State and local regulations that pertain to the proposed project related to mineral resources include:

- City of Fremont General Plan Conservation Chapter
- Surface Mining and Reclamation Act (SMARA) 1975, California Department of Conservation

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Discussion/Conclusion/Mitigation

a-b) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

According to local and state mineral resources maps, there are no known mineral resources of importance to the state or region on the site or within the surrounding area. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

XII. NOISE

Environmental Setting
The following discussion is based in part on an *Environmental Noise and Vibration Study*, dated May 8, 2014, by Charles M. Salter Associates, Inc.

Environmental Setting
The project site is located along Mission Boulevard and Stevenson Boulevard, which are both designated as Primary Arterial roadways in the Fremont General Plan. The project site also borders an existing Union Pacific Railroad line to the west.

Regulatory Framework
State and local regulations that pertain to the proposed project related to noise include:

- City of Fremont General Plan Safety Chapter (Noise and Vibration)
- City of Fremont Municipal Code
- California Building Code (2013)

Environmental Checklist
Would the project result in:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise		X			1, 3, 9, E

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
	ordinance, or applicable standards of other agencies?					
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X		1, 3, 9, E
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9, E
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9, E
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

Discussion/Conclusion/Mitigation

a-c) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Exposure of persons to a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Noise Analysis:

To quantify the existing noise environment at the project site, noise measurements were conducted at the site on a continuous basis between April 23 and April 29, 2014. Testing locations and results are provided in the *Environmental Noise and Vibration Study*. The study indicates that the major noise sources affecting the project site are vehicle traffic on Stevenson Boulevard and Mission Boulevard, and rail traffic on the Union Pacific Railroad line.

Exterior Noise Levels

The City General Plan states that exterior noise levels should not exceed a day-night average sound level (Ldn) of 60 decibels (dB) at recreation areas in multi-family housing projects; however, where an outdoor Ldn of 60 dB(A) or lower cannot be achieved after application of feasible mitigations, an Ldn of 65 dB(A) may be permitted at the discretion of the City Council. The site plan for the Project includes a common open space area for future residents in a central location on the project site. The *Environmental Noise and Vibration Study* calculates that the Ldn in the common open space area will vary between 58 to 60 dB; therefore, the exterior noise level goal of 60 dBA Ldn would be met at the proposed common outdoor recreation area.

Interior Noise Levels

The California Building Code and the City of Fremont require project-specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower in residential units exposed to exterior noise levels greater than 60 dBA Ldn. Noise levels in new residential development exposed to an exterior level of 60 dBA Ldn or greater should be limited to typical maximum instantaneous noise levels in bedrooms of 50 dB(A) during the nighttime (10 PM to 7 AM). Typical maximum instantaneous noise levels in other rooms, and bedrooms during the daytime, should not exceed

55 dB(A). Where the noise source is railroad trains or BART, special building construction techniques (e.g., sound-rated windows and building facade treatments, minimize façade openings, locate bedrooms away from noise sources) may be required to achieve the interior single event noise level limits.

The *Environmental Noise and Vibration Study* measured day-night average sound levels of up to 74 dB and instantaneous noise levels of up to 85dB at locations on the project site. The *Environmental Noise and Vibration Study* indicates that sound rated assemblies in habitable rooms and exterior building facades can be employed in buildings to meet the interior noise levels specified in the General Plan. Forced-air mechanical ventilation, satisfactory to the local building official, will be required to allow occupants to keep the windows closed to control noise.

Potential Impact Noise-1: Future residents of the project may be exposed to interior noise levels in excess of standards established in the local general plan. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: The following mitigation measures would reduce impacts from noise on the occupants of the dwelling units to a less-than-significant level:

MM Noise-1.1a (Ventilation):
Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all exterior facing rooms on the project site when sound-rated construction methods are utilized to meet the established interior noise standards in the General Plan.

MM Noise-1.1b (Sound-rated Construction Methods):
Sound-rated construction methods shall be used to attenuate interior maximum instantaneous noise levels to achieve the interior noise standards in the General Plan.

MM Noise-1.1c (Plan Review by Acoustical Specialist):
Prior to issuance of a Building Permit, the proposed floor plans and building elevations shall be reviewed by a qualified acoustical specialist and a letter shall be submitted to the building inspector along with the plans stipulating that the design incorporates the noise control treatments necessary to achieve acceptable interior noise levels in the General Plan.

Vibration Analysis:
The City of Fremont has adopted the U.S. Department of Transportation, Federal Transit Administration's (FTA) vibration impact assessment criteria[2] for use in evaluating vibration impacts associated with development within 150 feet of rail lines. The FTA vibration impact criteria are based on maximum overall levels for a single event. There are criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day). The thresholds for homes and buildings where people normally sleep (e.g., nearby residences) are 72 VdB for frequent events, 75 VdB for occasional events, and 80 VdB for infrequent events.

[2] U.S. Department of Transportation, Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006, FTA-VA-90-1003-06.

To quantify the existing vibration environment at the project site, vibration measurements were conducted at the site on February 13, 2007 and April 29, 2014. As provided in the *Environmental Noise and Vibration Report*, the major source of groundborne vibration at the site results from railroad train passbys.

The United States Department of Transportation Crossing Inventory Information indicates that no more than three trains pass the site per day at a maximum speed of 10 mph. This would place the level of train activity in the "infrequent events" category. The threshold is therefore 80 VdB. The *Environmental Noise and Vibration Report* calculates the need for an 80-foot setback from the centerline of the adjacent Union Pacific Railroad line to meet the 80 VdB criteria. The site plan of the proposed project provides a minimum 80 foot setback from the centerline of the adjacent Union Pacific Railroad line; therefore vibration impacts would be less than significant.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Development of the project would result in a temporary increase in noise levels during daytime hours, particularly from diesel-powered earth-moving equipment and other heavy construction machinery. All construction-related activities would be required to comply with the noise standards contained in the City of Fremont's Municipal Code for projects adjacent to/within residential neighborhoods, which would limit such activities to certain times of the day and week to reduce noise impacts on adjacent properties. These restrictions are:

Monday-Friday, 7 a.m. to 7 p.m.
Saturday and Holidays, 9 a.m. to 6 p.m.
Sunday, no construction activity allowed

The above construction hours would ensure that potentially loud construction activities would occur during daylight hours when other short-term noise impacts from such sources as diesel-powered vehicles, leaf blowers, school playgrounds and other nearby construction work would typically occur.

Potential Impact: Less than Significant
Mitigation: None Required

e-f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

There are no public or private airports located in the City or vicinity. No impact would result.

Potential Impact: No Impact
Mitigation: None Required

XIII. POPULATION AND HOUSING

Environmental Setting

The population of the City of Fremont was estimated to be approximately 219,926 in January 2013.[3] The total number of housing units in Fremont was approximately 75,186 as of January 2014, approximately 72,154 of which were occupied; the average household size of owner-occupied units was 3.08. The Association of Bay Area Governments (ABAG) estimates that approximately 90,010 jobs were provided within the City of Fremont in 2010, and approximately 120,000 jobs would be provided by the year 2040. ABAG also estimates that there will be approximately 91,620 households within the City by 2040.[4]

The City's General Plan, adopted in 2011, establishes goals, policies, and actions to guide development and ensure the City has an adequate supply of housing.

Regulatory Framework

Local regulations that pertain to the proposed project related to population and housing include:

- City of Fremont General Plan Land Use and Housing Chapters (referencing City Housing Element, July 2009)

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 4
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4

Discussion/Conclusion/Mitigation

a-c) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The proposed project is consistent with the residential density prescribed for the property by the City's General Plan. The proposed project, at a density of approximately 25 dwelling units per net acre, would be in conformance with the site's General Plan Land Use designation of Medium

[3] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2012 and 2013. January 2014. Available at: http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php

[4] ABAG, MTC. *Final Forecast of Jobs, Population, and Housing: Plan Bay Area.* July 2013. Available at: http://www.onebayarea.org/plan-bay-area/final-plan-bay-area.html

Density Residential (14.6 to 29.9 units per net acre). As such, it will not result in unanticipated growth in an area of the City for which residential growth has not already been planned.

No housing would be displaced with the proposed project, as the proposed project site is vacant of buildings and housing. The project would not result in the displacement of a large population or require the construction of replacement housing elsewhere.

Potential Impact: No Impact
Mitigation: None Required

XIV. PUBLIC SERVICES

Environmental Setting

Fire protection services for the project site are provided by the Fremont Fire Department (FFD) and Police protection services for the project site are provided by the Fremont Police Department (FPD). The closest fire station to the project site is Fire Station 9, which is located approximately 800 feet south of the project site at 39609 Stevenson Place. All City police functions are located in one police station at 2000 Stevenson Boulevard.

The project site is located in the Fremont Unified School District (FUSD), which operates one pre-kindergarten campus, 28 elementary schools, five junior high schools, five high schools, and one continuation school. The school nearest the proposed project site operated by the FUSD is Gomes Elementary School, which is located less than one mile away at 555 Lemos Lane.

The City of Fremont maintains approximately 1,148 acres of parkland, spread over 53 parks, which provides recreational facilities to the community. The closest park to the project site is Fremont Central Park, which is a 408.9-acre Citywide Park located south of the project site, on the other side of Stevenson Boulevard.

Regulatory Framework

Local regulations that pertain to the proposed project related to public services include:

- City of Fremont General Plan Public Facilities and Safety Chapters
- City of Fremont Municipal Code

Environmental Checklist

Would the project?

ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?			X		1, 10
Police protection?			X		1, 10
Schools?			X		1, 10
Parks?			X		1, 10
Other public facilities?			X		1, 10

Discussion/Conclusion/Mitigation

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire, police, schools, parks or other public facilities?

On September 3, 1991, the City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. These fees are required of any new development for which a building permit is issued on or after December 1, 1991. The concept of the impact fee program is to fund and sustain improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication and Park Facilities In-Lieu Fees, Capital Facilities Fees, and Fire Service Fees. Similarly, all new residential developments are required to pay School District fees to offset any impacts they might have on existing and/or planned public educational facilities. Payment of the required Development Impact and School District fees by the applicant prior to the issuance of building permits for the proposed project would result in the project having no significant impact on public services, schools, or other public facilities.

Potential Impact: Less than Significant
Mitigation: None Required

XV. RECREATION

Environmental Setting

The City of Fremont maintains approximately 1,148 acres of parkland, spread over 53 parks, which provides recreational facilities to the community. In addition, residents and community members also have access to parks and trail systems maintained by other agencies, including: the East Bay Regional Parks, the Don Edwards San Francisco Bay National Wildlife Refuge, the San Francisco Bay Trail, and other recreational trails. The City also operates other recreational facilities including five community centers, various sport facilities, a water park, and an art gallery.

The closest park to the project site is Fremont Central Park, which is a 408.9-acre citywide park located south of the project site, on the other side of Stevenson Boulevard.

Regulatory Framework

Local regulations that pertain to the proposed project related to recreation include:

- City of Fremont General Plan Parks and Recreation Chapter

Environmental Checklist

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2, 3, 12

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X		1

Discussion/Conclusion/Mitigation

a-b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Construction of the proposed residential development would result in a slight increase in demand for local and regional park and recreation facilities from the project's residents; however, payment of the required in-lieu park dedication and park facility fees for new residential development as described in Section XIV - Public Services, above, would offset the increased demand in accordance with applicable City ordinances and reduce the impacts to such facilities to a less-than-significant level.

Potential Impact: Less than Significant
Mitigation: None Required

XVI. TRANSPORTATION/TRAFFIC

Environmental Setting

The proposed Project site is located on the northwest corner of the intersection of Mission Boulevard and Stevenson Boulevard, which is a signalized intersection. Both Mission and Stevenson Boulevards are designated primary arterials in the Mobility Element of the General Plan as a result of traffic volumes that exceed 20,000 vehicles per day. Most recent traffic counts (*City of Fremont Engineering, 2013) indicate t*he segment of Mission Boulevard adjacent to the project site carries an average daily volume of 27,122 vehicles, and an average PM peak hour volume of 2,385 vehicles. The segment of Stevenson Boulevard adjacent to the site is estimated to carry an average daily volume of 26,151 vehicles. PM peak hour traffic is the primary factor in determining if significant traffic impacts would occur as a result of a proposed project, as this is typically the time when most roadways are at their busiest. The Level of Service (LOS) evaluation indicates the degree of congestion that occurs during peak travel periods and is the principal measure of roadway and intersection performance.

The Fremont General Plan identifies within its Mobility Element that a Level of Service (LOS) for signalized intersections of LOS D is the transportation operations threshold of significance for traffic impacts on minor arterials and collector streets. Level of Service D represents a moderate amount of vehicle delay during the peak hour of intersection operations. For regional (CMA network) arterials, an LOS E should be maintained. For intersections operating at LOS E or F, an average delay increase of 4 seconds or more due to project traffic would be considered a significant impact.

The closest intersection to the project (Mission Boulevard and Stevenson Boulevard) currently operates at a LOS of C in both the AM and PM peak hours..

Regulatory Framework

Local regulations that pertain to the proposed project related to transportation/traffic include:

- City of Fremont General Plan Mobility Chapter

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		1, 3, 7, I
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X		1, 3, 7, I
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 3, 7
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 3, 7
e.	Result in inadequate emergency access?			X		1, 6, 7
f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X		1, 3, 7

Discussion/Conclusion/Mitigation

a-b) Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

It is the City's practice to conduct a traffic study if the proposed project would generate 100 or more new peak hour trips, which is consistent with Alameda County Transportation Commission requirements for analyzing project impacts. City staff estimated the proposed development of 77 multi-family units, consisting of townhomes and stacked flats, would generate an estimated 40 PM peak hour trips (reference: Land Use Code #230, Condominium/Townhomes, ITE Trip Generation Handbook, 8th Edition, published by the Institute of Transportation Engineers). As such, the the number of peak hour trips generated by the project would be well below the 100-new-peak-hour-trip threshold, and, therefore, a traffic impact analysis was not conducted.

The project is being developed in accordance with the current General Plan land use designation for the site and therefore the trip generation, peak hour volumes and level of service, as well as cumulative traffic impacts that would be generated by residential development on this site, were analyzed in the City's General Plan EIR, a program-level EIR, and are consistent with the traffic analysis and conclusions in the General Plan EIR. The impact analysis in the EIR for this intersection concluded that under the General Plan Update buildout conditions (which would have included the density anticipated for this site based on the residential land use designation), this intersection would operate during both AM and PM peak hours at LOS F, which would be a significant impact. The EIR analysis further indicates that this intersection is under Caltrans jurisdiction, is built-out, and additional modifications beyond those already planned would not be feasible, therefore this impact would remain significant and unavoidable.

When the General Plan Update EIR was certified by the City Council, the Council adopted a Statement of Overriding Considerations (SOC) which acknowledged that some intersections, including the Mission Boulevard/Stevenson Boulevard intersection within the City limits would operate below the acceptable LOS of D or better due to cumulative traffic impacts caused by the implementation of the Land Use Element of the General Plan Update.

The traffic analysis in the General Plan Update EIR assumed the subject site would be built out with medium-density residential development with a density ranging from 14.6-29.9 units per acre. The applicant proposes a development that would achieve a net density of approximately 25 units per acre, which is within the density range assumed in the General Plan. The permitted number of units, derived from the underlying General Plan land use designation and permitted density range, would allow for a maximum of 92 units on the site. The applicant is proposing 77 units, which is 15 units less than the total units that could be permitted under the General Plan.

The Alameda County Transportation Commission (ACTC) requires the evaluation and assessment of regional roadways within the study area that are designated as Congestion Management Program (CMP) and Metropolitan Transportation System (MTS) facilities. No CMP analysis is required because the project will not generate 100 new peak hour trips. ACTC Land Use Analysis Program Transportation Impact Analysis requirements state that the ACTC will review land use projects that will cause a net increase of 100 or more p.m. peak-hour trips. Net increase is determined with respect to existing uses at the project site (if the project entails a General Plan Amendment). The proposed project does not entail a General Plan Amendment.

The proposed project is consistent with the residential development density anticipated for this site in the 2011 General Plan. The General Plan promotes design and Transportation Demand Management (TDM) policies to encourage vehicle trip reduction to lessen impacts on the transportation system. These include facilitating pedestrian connectivity (3-2.3C), and Park and Ride facilities (3-2.9B). The proposed project is consistent with development anticipated for this site in the 2011 General Plan, for which an EIR was certified and a Statement of Overriding Considerations was adopted. The project would not increase traffic impacts beyond those identified in the EIR and would not conflict with an applicable congestion management program. [Less Than Significant Impact]

Potential Impact: Less than Significant
Mitigation: None Required

c-d) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Would the

project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed project would not have an impact on air traffic patterns as there are no airports in Fremont. The proposed project would be designed to City standards for traffic safety and accessibility purposes. Project entry/exit points are designed as right-in/right-out and at sufficient and safe distances from the intersection so as not to impede traffic flow. Thus, no impacts would result.

Potential Impact: No Impact
Mitigation: None Required

e-f) Would the project result in inadequate emergency access? Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Emergency vehicle access would be provided throughout the entire project via the proposed private street. No sharp curves or dangerous intersections would be created by the project, the new private street would be designed in accordance with the City's standard details. Furthermore, the proposal does not feature any other unusual design elements that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians. The proposed project includes pedestrian walkways to encourage walking. The project would not conflict with any plans, policies or programs supporting alternative transportation in that it would not obstruct or otherwise impact any transit stops or bicycle lanes.

Potential Impact: No Impact
Mitigation: None Required

XVII. UTILITIES AND SERVICE SYSTEMS –

Environmental Setting

Water service to the project site would be provided by the Alameda County Water District (ACWD). Wastewater from the project site would be treated at the Alvarado Wastewater Treatment Plant (AWTP), which is operated by the Union Sanitary District (USD). The Alameda County Flood Control and Water Conservation District (ACFC) and the City of Fremont share responsibility for storm drainage within the City. The project site is located in Zone 6 of the ACFC watershed management zones. Water from creeks located in Zone 6 flows through a series of pipelines and channels that discharge into either Coyote Creek or Mowry Slough before ultimately continuing onto the San Francisco Bay.

Solid waste services in the City of Fremont are provided by Allied Waste Services (AWS) of Alameda County. AWS provides curbside pick-up of recyclables, organics, and garbage, and transports materials collected to the Fremont Recycling and Transfer Station, located at 41149 Boyce Road, for processing. The majority of the garbage is subsequently transferred to the Altamont Landfill, located approximately 32 miles northeast of the project site, for disposal; some garbage is also transferred to Newby Island Sanitary Landfill in San José for commercial disposal. The Altamont Landfill serves many municipalities in the Bay Area and is anticipated to have disposal capacity through the year 2045.

Regulatory Framework

Local regulations that pertain to the proposed project related to utilities and service systems include:

- City of Fremont General Plan Public Facilities Chapter

- City of Fremont Municipal Code

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		10
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		10
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		10
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		10, 24
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			X		10, 24

Discussion/Conclusion/Mitigation

a-g) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The proposed development would not generate a significant increase in wastewater or stormwater runoff levels that could exceed the capacity of the sewer and storm drain lines serving the project site. Stormwater treatment areas would be constructed as part of the project. Wastewater and other utilities would be connected to existing facilities.

Potential Impacts to Wastewater Treatment

Per the General Plan Final Environmental Impact Report (GP EIR, SCH2010082060), the Alvarado Wastewater Treatment Plant has capacity to accommodate development anticipated under the General Plan. As the project would be consistent with the General Plan land use designation of Medium Density Residential (14.6 to 29.9 units per net acre) for the subject site, the project would have a less than significant impact on wastewater treatment and would not require the construction or expansion of existing facilities. [Less Than Significant Impact]

Potential Impacts to Storm Drainage

Since the proposed project would create in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulate the treatment of stormwater runoff on the site. As such, the Project would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces before it is discharged into the public storm drain system. The project would be designed in compliance with C.3 requirements and, as such, no impacts related to storm drainage would result. [Less Than Significant Impact]

Potential Impacts to Water Supply

The 2011 General Plan Update EIR concluded that new development anticipated under the General Plan would have a less than significant impact on water supplies. All new development would be required to install the latest technology in water efficient plumbing fixtures, irrigation systems, and landscaping according to the California Green Building Code, further reducing potential impacts. The proposed development is anticipated under the approved General Plan EIR and would be consistent with the Medium Density Residential General Plan land use designation for the subject site. [Less Than Significant Impact]

Potential Impacts to Landfills and Solid Waste

The project would be served by the City's franchised waste hauler, in compliance with the applicable standards governing residential solid wastes and recyclables. The landfill facility that would receive the non-recyclable solid waste generated by the proposed project, the Altamont Landfill owned and operated by Waste Management of Alameda County, is anticipated to have capacity until the year 2045. The proposed development would comply with applicable local, state, and federal laws and policies regarding solid waste. As there is sufficient capacity at local landfills to serve the project, the project would have a less than significant impact on solid waste facilities and services. [Less Than Significant Impact]

Potential Impact: Less than Significant
Mitigation: None Required

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X			See Previous
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X		See Previous
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			See Previous

Discussion/Conclusion/Mitigation

The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This initial study has found that the proposed project would not have the potential to degrade the quality of the environment. The implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, would reduce all impacts the project may have to a less-than-significant level.

XIX. MITIGATION MEASURES:

MM Air-1: Temporary Construction Emissions. The following best management practices shall be included in a dust control plan to limit fugitive dust emissions and noted on the grading and construction plans along with the contact information for a designated crew member responsible for the implementation of the dust control plan:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

MM Bio-1: Pre-Construction Surveys. If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of any project-related activities. If a lapse in the project related work of 15 days or longer occurs during the nesting season, another focused survey shall be required before project work can be reinitiated. If an active nest is found, the permittee (applicant or developer) shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

MM Bio-2 Pre-Construction Surveys. Prior to the commencement of construction activities, a special status plant survey should be carried out during the flowering season of C.parryi, from May to November. Should populations of any of these species be found on-site, the applicant shall prepare a detailed mitigation plan for off-site mitigation, including performance standards and monitoring, to be approved by

the City Planning Manager. On-site mitigation would not be appropriate given the density of development proposed on this site and the affinity of the species for relatively undisturbed landscapes.

MM Cult-1.1: Discovery of Archaeological Resources. If deposits of prehistoric or historical archaeological materials are discovered during project activities, all work within 50 feet of the discovery shall be redirected. Project personnel shall not collect or move any archaeological materials. A qualified archaeologist shall be contacted to assess the situation and consult with agencies as appropriate, including the City of Fremont. The archaeologist shall make recommendations for the treatment of the discovery. Adverse effects to archaeological deposits shall be avoided by project activities, if feasible. If avoidance is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the National Register of Historic Places and the California Register of Historical Resources (PRC §21084.1; CEQA Guidelines §15064.5(c)(1)), or whether the deposit qualifies as a "unique archaeological resource" under CEQA. If the deposit is neither eligible for the National or California registers nor a unique archaeological resource, avoidance is not necessary. If the deposit is eligible or qualifies as a unique archaeological resource under CEQA, adverse effects on the deposits must be avoided, or such effects must be mitigated. Mitigation can include, but is not necessarily limited to, excavation of the deposit in accordance with a data recovery plan and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and, if appropriate, adding the historic archaeological material and technical report to an archaeological repository. Educational public outreach may also be appropriate. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results of resource evaluation and mitigation efforts. The report shall be submitted to the Northwest Information Center at Sonoma State University.

MM Cult-1.2: Discovery of Human Remains. If human remains are discovered during project activities, the procedures outlined in Section 7050.5 of the California Health and Safety Code shall be implemented. Work within 50 feet of the discovery shall be redirected and the Alameda County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate, including the City of Fremont Planning Department. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

MM Cult-1.3: Discovery of Paleontological Resources. In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 50 foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and

mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

MM Haz-1: Hazardous Materials. Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or Recognized Environmental Conditions (RECs) at the subject property shall be implemented to the satisfaction of the California Department of Toxic Substance Control (DTSC) and Fremont Fire Department, Hazardous Materials Division. Completion of the remediation work and procurement of an appropriate closure document or certification in written form from the DTSC evidencing its determination that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the City of Fremont Community Development Department and Fremont Fire Marshall. Certification may require the applicant or their agent to complete a Preliminary Endangerment Report, a Voluntary Cleanup Agreement or other documentation as determined by DTSC, and receive DTSC concurrence that the site's RECs have been resolved.

MM Noise-1.1a: Ventilation. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all exterior facing rooms on the project site when sound-rated construction methods are utilized to meet the established interior noise standards in the General Plan.

MM Noise-1.1b: Sound-rated Construction Methods. Sound-rated construction methods shall be used to attenuate interior maximum instantaneous noise levels to achieve the interior noise standards in the General Plan.

MM Noise-1.1c: Plan Review by Acoustical Specialist. Prior to issuance of a Building Permit, the proposed floor plans and building elevations shall be reviewed by a qualified acoustical specialist and a letter shall be submitted to the building inspector along with the plans stipulating that the design incorporates the noise control treatments necessary to achieve acceptable interior noise levels in the General Plan.

GENERAL SOURCE REFERENCES:

The following is a list of references used in the preparation of this document. Unless attached herein, copies of all reference reports, memorandums and letters are on file with the City of Fremont Department of Community Development. References to publications prepared by federal or state agencies may be found with the agency responsible for providing such information.

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2012
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

PROJECT RELATED REFERENCES:

A. *Biotic Resources Assessment*, dated March 4, 2015, prepared for the Project by Zentner and Zentner
B. *Archaeological Literature Review*, dated November 17, 2014, prepared for the Project by Holman and Associates
C. *Preliminary Geotechnical Investigation,* dated May 13, 2014, prepared for the Project by Cornerstone Earth Group
D. *Geotechnical Peer Review – Liquefaction Zone,* dated December 5, 2014, prepared for the Project by Cotton, Shires and Associates, Inc.
E. *Environmental Noise and Vibration Study,* dated May 8, 2014, prepared for the Project by Charles M. Salter Associates, Inc.
F. *Phase I Environmental Site Assessment and Preliminary Soil Quality Investigation*, dated May 23, 2014, prepared for the Project by Cornerstone Earth Group
G. *Arborist Report*, dated May, 2014, prepared for the Project by John J. Leone, ISA Certified Arborist #1056A
H. *California Emission Estimator Model Report*, dated August 3, 2015